IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2867 of 2007
Date of Decision: 26.2.2007

Sukhwinder Singh

Petitioner

versus

Presiding Officer, Labour Court, Gurdaspur and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MR. JUSTICE VINOD K. SHARMA

Present: Ms.Swati Gupta, Advocate for the petitioner

Jasbir Singh, J. (Oral)

This writ petition has been filed with a prayer to quash order (Annexure P/4), vide which, prayer of the petitioner, to reinstate him in service, was declined.

It was case of the petitioner that he had joined service with the respondent-management on 21.11.1995. He was transferred to another division on 23.6.1996. Thereafter, his service was terminated on 31.12.2006 without payment of retrenchment compensation, to which, he was entitled as per provisions of Section 25-F of the Industrial Disputes Act, 1947. Dispute raised was referred to the Labour Court, for adjudication and vide award, under challenge, claim of the petitioner, was negatived by observing thus:-

> *"From the statement of MW1, it is clear that the workman has worked only for 89 days as per appointment letter of the workman Ex.W.1. Though transfer order mark X1 has not been proved on file by the workman, but even if it be considered by the court as per own document proved on file by the workman which is Ex.WW3/5, the workman worked for the*

period from 1.4.96 to 9.7.96. So by no stretch of imagination, it cannot be said that it has been proved by the workman that he has worked for the continuous period of 240 days in the preceding 12 calender months. It is also on the file that the appointment of the workman was not in accordance with law as no post was advertised nor he was appointed against any vacancy. So in these circumstances, termination of services of the workman is held justified and in order. So this issue is decided in favour of the respondents."

We feel that the order passed is perfectly justified. Before us also, counsel for the petitioner has failed to prove that the petitioner had worked for 240 days in 12 months preceding to date of his alleged termination. No case is made out for interference.

Dismissed.

(Jasbir Singh)
Judge

February 26, 2007 **(Vinod K.Sharma)**
gk **Judge**